

**SUPREME COURT MINUTES  
THURSDAY, DECEMBER 4, 2008  
SAN FRANCISCO, CALIFORNIA**

**S075725****PEOPLE v. JONES  
(KIONGOZI)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing the appellant's opening brief by June 15, 2009, counsel's request for an extension of time in which to file that brief is granted to January 30, 2009. After that date, only two further extensions totaling about 140 additional days are contemplated.

**S152074****WILSON (LESTER  
HARLAND) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael Meaney's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 20, 2009, counsel's request for an extension of time in which to file that document is granted to January 20, 2009. After that date, no further extension is contemplated.

**S168167**      B204110 Second Appellate District, Div. 7**NEUFELD (GRISELDA P.) v.  
NEUFELD (FRED)**

Order filed

Pursuant to written request of petitioner, the request of publication filed on November 7, 2008, is hereby ordered withdrawn.

**S168368****BARKER (DAVID) v. S.C.  
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S168387****SALDANA (GILBERT) v. S.C.  
(DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION)**

Transferred to Court of Appeal, Fourth Appellate District, Division One

The above entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S168482****PEOPLE v. HALL  
(ALEXANDER CONTEE)**

Transferred to Court of Appeal, Second Appellate District

The above entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S168573****ROBISON (GLEN W.) v. S.C.  
(DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION)**

Transferred to Court of Appeal, Third Appellate District

The above entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S167221****UNGER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that MATTHEW STANLEY UNGER, State Bar No. 137742, be suspended from the practice of law for four years, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 6, 2008. Costs are awarded to the State Bar in

accordance with Business & Professions Code section 6086.10, and one-fourth of said costs be paid with membership fees for the years 2010, 2011, 2012, and 2013. It is further ordered that if UNGER fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167222****MARKUM ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JAMES B. MARKUM, State Bar No. 170326, be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to

- (1) Sue Newton in the amount of \$2,500 plus 10 percent interest per annum from December 20, 2004,
- (2) Lyle Crowe in the amount of \$5,000 plus 10 percent interest per annum from December 20, 2004,
- (3) Kristen DiValentin in the amount of \$10,000 plus 10 percent interest per annum from December 20, 2004,
- (4) Issa Ballat in the amount of \$5,000 plus 10 percent interest per annum from December 20, 2004,
- (5) Linda Boruff in the amount of \$2,500 plus 10 percent interest per annum from December 20, 2004

(or to the Client Security Fund to the extent of any payment from the fund to Newton, Crowe, DiValentin, Ballat, or Boruff, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed July 18, 2008, as modified by its order filed on August 1, 2008, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). JAMES B. MARKUM is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that JAMES B. MARKUM comply with rule 9.20 of the California Rules of Court, and that he perform the

acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167223****FERMA ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that BENNIE C. FERMA, State Bar No. 141592, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. BENNIE C. FERMA is also ordered to make restitution to Emma Smith or for her benefit in the amount of \$15,029.54 plus 10% interest per annum from December 7, 2006 (or to the Client Security Fund to the extent of any payment from the fund to Emma Smith or for her benefit, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to the State Bar's Office of Probation. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). BENNIE C. FERMA is further ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167224****CHATOIAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that EDWARD BAXTER CHATOIAN, State Bar No. 63957, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 7, 2008. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S167225****BRYAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that PHYLLIS JOANN BRYAN, State Bar No. 145472, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 14, 2008, as modified by its order filed July 21, 2008. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 9.20 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S167227****LITTLE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JAMES J. LITTLE, State Bar No. 123373, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 21, 2008. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S167229****LAZAR ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that SEYMOUR M. LAZAR, State Bar No. 22846, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

SAN FRANCISCO

DECEMBER 4, 2008

2401

**S168430**

**BAR ADMISSION 2008 (JULY  
EXAM)**

General Bar admission order filed